

In the Matter of)	
)	
Amendment of Sections 90.20 and 90.175)	WT Docket No. 02-285
of the Commission's Rules for Frequency)	RM-10077
Coordination of Public Safety Frequencies)	
in the Private Land Mobile Radio))	
Below-470 MHz Band)	

January 21, 2003

The American Mobile Telecommunications Association, Inc. (“AMTA” or “Association”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits its Reply Comments in the above-entitled proceeding.¹ The record in this proceeding, as well as several years of real world experience with the results of competitive coordination in the Industrial/Business (“I/B”) services below 512 MHz and in the 800/900 MHz bands, confirms that applicants, including Public Safety (“PS”) applicants, should have the choice of selecting any qualified Commission-certified Frequency Advisory Committee (“FAC”) to perform a coordination analysis. In fact, this same issue of expanding the competitive coordination environment also is under consideration in the request from the Industrial Telecommunications Association (“ITA”) for certification to provide coordination for 929 MHz paging frequencies and Special Emergency frequencies below 512 MHz on which the FCC has invited comments.² In the event the Commission determines that the ITA proposal requires more detailed consideration because of the particular spectrum involved, AMTA recommends that the Commission consolidate these two proceedings to conserve the agency’s resources and the resources of interested parties.

I. INTRODUCTION

¹Amendment of Sections 90.20 and 90.175 of the Commission’s Rules for Frequency Coordination of Public Safety Frequencies in the Private Land Mobile Radio Below-470 MHz Band, *Notice of Proposed Rulemaking*, WT Docket No. 02-285 (rel. Sept. 19, 2002) (“Notice”).

²Wireless Telecommunications Bureau Seeks Comment on Informal Request of Industrial Telecommunications Association for Certification to Provide Frequency Coordination for 929-930 MHz Paging Frequencies and Special Emergency Frequencies Below 512 MHz, *Public Notice*, DA 02-3549 (rel. Dec. 20, 2002) (“ITA Public Notice”).

AMTA is a nationwide trade association dedicated to the interests of the specialized wireless communications industry. The Association has also been certified by the FCC as a FAC and currently provides frequency coordination services in all Part 90 bands for a variety of AMTA members and non-members.³

Unlike a number of frequency coordinators whose origins date back to the decades when each such organization was uniquely authorized to perform coordination services for a particular radio service assigned specific channels, AMTA's coordination activities all have been conducted in the post-refarming, competitive coordination environment.⁴ The Association strongly endorses the Commission's migration to this structure. While competition in any market is not without complexity, AMTA believes, on balance, that the new model of non-monopoly, competitive coordination provides significant benefits to those requiring the service, a universe of users that could and should be expanded to include PS entities requesting PS spectrum.

II. BACKGROUND

³See *In the Matter of American Mobile Telecommunications Association, Inc. and American Trucking Associations, Inc. Petition for Transfer of Frequency Advisory Committee Certification, Order*, DA 01-1411 (WTB PSPWD 2001); Wireless Telecommunications Bureau Announces that American Mobile Telecommunications Association, Inc. is Certified as a Frequency Coordinator for 800/900 MHz Business and Industrial/Land Transportation Frequencies, *Public Notice*, 16 FCC Rcd 13040 (WTB PSPWD 2001).

⁴See *Second Report and Order*, PR Docket No. 92-235, 12 FCC Rcd 14307 (1997) ("Refarming Order"). In that proceeding, the FCC consolidated the twenty Private Land Mobile Radio ("PLMR") services below 470 MHz into two pools: PS and I/B. With certain exceptions, all non-PS FACs are permitted to coordinate all I/B spectrum, but not PS spectrum, while each PS FAC is authorized to coordinate on spectrum previously assigned to a particular PS radio service or services, but not on channels assigned for I/B use.

The Notice describes the current coordination structure for the PS services below 470 MHz.⁵ That structure essentially retains the pre-refarming monopoly arrangement with each of four entities responsible for a particular sub-segment of the below 470 MHz PS spectrum, and all four permitted to coordinate frequencies assigned to the former Local Government Radio Service. In February, 2001, the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) submitted a petition for rule making proposing that the FCC introduce competitive coordination on that spectrum by allowing all four PS FACs to coordinate on any channel.⁶ APCO argued that doing so would “streamline the coordination process, introduce competition among coordinators and reduce costs for applicants,”⁷ benefits the Commission has attributed to the competitive coordination available for I/B users. APCO’s Petition was opposed by the three other PS FACs: the International Association of Fire Chiefs and International Municipal Signal Association (“IAFC/IMSA”), the American Association of State Highway Transportation Officials (“AASHTO”) and the Forestry Conservation Communications Association (“FCCA”), each of which argued that the unique needs of the individual PS user communities they represent, as well as the intricacies of particular local or regional spectrum plans, would not be served by a competitive coordination approach.⁸

⁵Notice at ¶¶ 2 - 8.

⁶APCO Petition for Rulemaking, RM-10077 (filed Feb. 21, 2001) (“APCO Petition”).

⁷Notice at ¶ 8.

⁸Id.

The Commission nonetheless adopted the instant Notice seeking comment on the possibility of opening PS coordination to competitive forces. The FCC noted that the agency had indicated in the Refarming Order that it might revisit this issue if it could be assured that doing so would not jeopardize public safety interests.⁹ The Notice identified the positive experience of competitive coordination of Local Government channels below 512 MHz, the success of competitive PS coordination in the 700 MHz and 800 MHz bands, and implementation of the Universal Licensing System (“ULS”) as factors warranting further examination of this matter.¹⁰

III. ALL CERTIFIED FACs SHOULD BE PERMITTED TO PROVIDE PS COORDINATION

The Comments filed in response to the Notice reflect broad support for adoption of a competitive PS frequency coordination structure. Although IAFC/IMSA, AASHTO and FCCA reiterated the concerns they had expressed in response to the APCO Petition, numerous other parties, including a number of public safety entities, endorsed the concept of competitive coordination in these bands.¹¹ AMTA concurs with the conclusions of those entities that the tangible benefits of the competitive I/B coordination process could be extended to PS services without impairing either the quality of coordination or the communications activities of public safety organizations.

⁹Id. at ¶ 9.

¹⁰Id. at ¶¶ 10 - 13.

¹¹See, e.g., Comments of NPSPAC Region 24: State of Missouri; State of Wisconsin: Department of Transportation; Indiana State Police Department; State of Delaware: Department of Technology & Information; City of Tacoma, Washington; Bergen County, New Jersey.

Further, AMTA endorses the recommendations of ITA and PCIA, the Wireless Infrastructure Association (“PCIA”), to expand the scope of this proceeding and create a truly competitive PLMR coordination system by permitting any FCC-certified Part 90 FAC to provide coordination services for all PS and I/B spectrum.¹² Although the positions advanced by the two organizations are not identical, at their core they recognize that the similarities among PLMR systems, whether operated by a public safety, I/B or commercial entity, are greater than their differences, and that opening the coordination process will permit applicants to make informed, individual decisions in respect to their coordination requirements.

¹²See ITA Comments at pp 4 - 6; PCIA Comments at pp. 3 - 6.

Adoption of a fully competitive Part 90 coordination environment is a logical outgrowth of previous Commission decisions regarding the PLMR frequency coordination process and the FCC's overall endorsement of pro-competitive spectrum management policies. The FCC already has considered and approved the fundamental issue: it has concluded that FACs previously determined to be representative of specific constituent PLMR user groups are qualified to perform coordination functions for members of other groups if selected to do so on a voluntary basis, as evidenced by the current coordination scheme at 800 and 900 MHz and the I/B pool spectrum below 512 MHz.¹³ That decision was premised on the Commission's recognition that there is a commonality of equipment, system design and operational requirements across many PLMR constituencies. For example, ITA has noted the comparability of wide-area systems deployed by public safety and heavy industrial users such as petroleum companies. Those same similarities are evident in the numerous wide-area commercial systems in the 450-512 MHz bands coordinated by AMTA and other FACs in recent years, many of which count public safety and public service organizations among their users.

It is clear that there is an ongoing convergence of system types and technical requirements that is entirely consistent with the proposals herein. Moreover, as noted by APCO in its initial Petition and by a variety of parties that filed supportive comments in this proceeding, expanded competition permits greater choice but does not require a single user to modify its existing coordination arrangements. To the extent an entity is satisfied with its current frequency coordinator, it will be free to maintain that relationship. Public safety or other PLMR entities that believe their interests are served best by continuing to work with the FAC that traditionally has been

¹³See Refarming Order.

responsible for the spectrum in question presumably will continue to do so. However, if there are entities that would prefer the opportunity to test the services of a different coordination, they should have that option since the FCC already has determined all FACs to be qualified to perform coordination functions.

All coordinators have experience making frequency recommendations on both exclusive and shared spectrum. All are bound by the FCC rules and generally abide by the policies and procedures agreed upon by the Land Mobile Communications Council (“LMCC”) of which all Part 90 FACs currently are members, including, but not limited to, the process by which frequency recommendations are shared among FACs. All should be able to access the information needed to conform to the local and regional plans that govern certain PS channel assignments, plans that sometimes are complex but are not beyond the capabilities of any committed, competent FAC staff. And all utilize the ULS which has greatly improved their ability to make informed frequency recommendations to applicants irrespective of their eligibility or geographic location.

This is not to say that all coordinators provide comparable service whether measured by speed, cost or competence. However, it is the applicants themselves that should determine how to weigh those factors in selecting a coordinator, unfettered by artificial FCC requirements based on an historical, but now outdated, reflection of the PLMR spectrum environment.

IV. CONCLUSION

AMTA supports the introduction of the highly successful I/B competitive frequency coordination model into the PS services below 470 MHz, as well as the expansion of organizations permitted to coordinate that spectrum to all FCC-certified FACs. The Association urges the Commission to adopt a fully pro-competitive coordination structure for the Part 90 PLMR services, consistent with the recommendations outlined herein.